

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

IN RE: ANTONIO LUCAS, )  
Debtor. )  
DARRYL CHIMKO, )  
Appellant, )  
v. ) CIVIL ACTION  
ANTONIO LUCAS, ) NO. 03-40277-WGY  
Appellee. )  
)

ORDER

YOUNG, C.J.

September 29, 2004

For reasons that the Court will discuss in an opinion that will issue shortly, the resolution of a determinative issue depends on questions of Massachusetts law for which there are no clearly controlling precedents in the decisions of the Supreme Judicial Court of Massachusetts. Accordingly, this Court respectfully certifies the following questions to the Supreme Judicial Court of Massachusetts pursuant to its Rule 1:03:

1. Does an attorney admitted to practice in another United States jurisdiction but not admitted to practice in the Commonwealth of Massachusetts engage in the "practice of law" by:

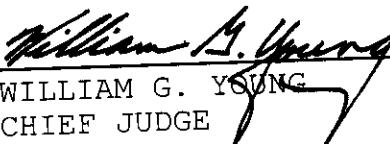
- a. completing a reaffirmation form that modifies and creates rights but does not change the original terms of the loan;
- b. providing a pro se debtor with a notice intended to provide general assistance in understanding the reaffirmation process; and
- c. corresponding with a pro se debtor and the Bankruptcy Court using law firm letterhead but not clearly intending to hold himself out as practicing law?

2. If the above constitutes the "practice of law," may such services be provided on a temporary basis in the Commonwealth of Massachusetts if they are reasonably related to the attorney's practice in the other jurisdiction?

The Court of course welcomes the advice of the Supreme Judicial Court of Massachusetts on any other questions of Massachusetts deemed material to this case.

The Clerk will transmit these questions and copies of the Record, briefs, and appendices in this case to the Supreme Judicial Court of Massachusetts.

SO ORDERED.

  
WILLIAM G. YOUNG  
CHIEF JUDGE